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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,059	02/03/2004	Peter H. Maxson	212/552	4531

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EXAMINER

RAO, ANAND SHASHIKANT

ART UNIT PAPER NUMBER

2621

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/772,059	Applicant(s) MAXSON, PETER H.	
	Examiner Andy S. Rao	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Specification

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 5-8, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Pecorino et al., (hereinafter referred to as “Pecorino”).

Pecorino discloses a mountable television display concealment device capable of exposing a television display (Pecorino: figure 1), said concealment device comprising: a rigid planar panel with a front face, back face, and two side edges (Pecorino: column 2, lines 15-21); at least one support bracket with a front face, back face, and two side edges wherein one of the side edges is adapted for securing on a vertical surface (Pecorino: column 2, lines 30-35); attachment means capable of fixedly engaging the side edges of the planar panel to one of the side edges of each support bracket (Pecorino: column 2, lines 2, lines 64-68); and means for pivoting the planar panel up from a first retracted position wherein the planar panel covers the

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television display to a second extended position wherein the display is visible for viewing (Pecorino: column 2, lines 55-62), as in claim 1.

Regarding claim 5, Pecorino discloses wherein the vertical surface is a wall (Pecorino: column 2, lines 63-66), as in the claim.

Regarding claim 6, Pecorino discloses wherein the vertical surface is a recessed cabinet (Pecorino: column 3, lines 25-35), as in the claim.

Regarding claim 7, Pecorino discloses wherein the vertical surface is a recessed wall (Pecorino: column 3, lines 10-23), as in the claim.

Regarding claim 8, Pecorino further including input means for input of weight and size data to determine location of position of attachment means (Pecorino: column 2, lines 40-55), as in the claim.

Regarding claim 12, Pecorino discloses wherein the pivoting means is a hinge (Pecorino: column 2, lines 30-34), as in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-4, and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pecorino et al., (hereinafter referred to as "Pecorino").

Pecorino discloses a mountable television display concealment device capable of exposing a television display (Pecorino: figure 1), said concealment device comprising: a rigid planar panel with a front face, back face, and two side edges (Pecorino: column 2, lines 15-21); at least one support bracket with a front face, back face, and two side edges wherein one of the side edges is adapted for securing on a vertical surface (Pecorino: column 2, lines 30-35); attachment means capable of fixedly engaging the side edges of the planar panel to one of the side edges of each support bracket (Pecorino: column 2, lines 64-68); and means for pivoting the planar panel up from a first retracted position wherein the planar panel covers the television display to a second extended position wherein the display is visible for viewing (Pecorino: column 2, lines 55-62; column 3, lines 50-55), as in claims 2-4. However, Pecorino fails to disclose that the front face of the planar panel is comprised of a mirror, or of a piece of art, or of a white board, as in claims 2-4. However, Pecorino discloses that the front face of the concealment device serves a decorative function (Pecorino: column 3, lines 7-11). Given this teaching, it would have been obvious for one ordinary skill in the art to incorporate a mirror, whiteboard, or piece of art into the Pecorino front face in order to serve the desired decorative function while also concealing the display. The Pecorino concealment, now modified to display a whiteboard, mirror, or piece or art into the front face, has all of the features of claims 2-4.

Pecorino discloses a mountable television display concealment device capable of exposing a television display (Pecorino: figure 1), said concealment device comprising: a rigid planar panel with a front face, back face, and two side edges (Pecorino: column 2, lines 15-21); at least one support bracket with a front face, back face, and two side edges wherein one of the side edges is adapted for securing on a vertical surface (Pecorino: column 2, lines 30-35);

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attachment means capable of fixedly engaging the side edges of the planar panel to one of the side edges of each support bracket (Pecorino: column 2, lines 2, lines 64-68); and means for pivoting the planar panel up from a first retracted position wherein the planar panel covers the television display to a second extended position wherein the display is visible for viewing (Pecorino: column 2, lines 55-62; column 3, lines 50-55), as in claims 9-11. However, Pecorino fails to disclose wherein the attachment device is a gas spring, a linear actuator, or is an electric cylinder, as in the claim. However, Pecorino discloses using a motor to manipulate a pulley or spring loaded system in raising or lowering the cover (Pecorino: column 2, lines 55-65), and one of ordinary skill in the art would realize that substituting a gas spring, linear actuator, or electric cylinder would be an obvious improvement over the Pecorino system in order to simplify the raising/lowering system of Pecorino. The Pecorino concealment, now modified to use gas springs, electric cylinders, or linear actuators, has all of features of claims 9-11.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yamamoto discloses an installation structure for a panel-type display device. Chen discloses an attachable frame for flat panel displays. Mylar discloses a TV screen cover. Kohno discloses a screen cover opening/closing device for a TV receiver.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (571)-272-7337. The examiner can normally be reached on Monday-Friday 8 hours.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571)-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andy S. Rao
Primary Examiner
Art Unit 2621

asr
May 28, 2006

ANDY RAO
PRIMARY EXAMINER

